

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JACK SMALLEY,)
Petitioner,)
v.) Civil Action No. 18-407
JEFF SESSIONS, BARRY SMITH,)
Superintendent of SCI Houtzdale, and)
UNITED STATES ATTORNEY FOR)
THE WESTERN DISTRICT OF)
PENNSYLVANIA,)
Respondents.)

ORDER

AND NOW, this 8th day of June, 2018, after the Petitioner, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until June 4, 2018, to file written objections thereto, no objections having been filed by Petitioner and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Section 2254 Petition be dismissed pre-service and that a certificate of appealability be denied.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court,

at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

s/Nora Barry Fischer
United States District Judge

cc/ecf: Honorable Maureen P. Kelly United States Magistrate Judge

Jack Smalley
AP-6564
SCI Houtzdale
PO Box 1000
Houtzdale, PA 16698